

IN RE: PETITION FOR VARIANCE  
N/S Maple Avenue, 15' E of the  
c/l of North Road  
(1319 Maple Avenue)  
15th Election District  
5th Councilmanic District  
  
Beverly Y. McGuire  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-138-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 1319 Maple Avenue, located in the vicinity of Hyde Park Road in Essex. The Petition was filed by the owner of the property, Beverly Y. McGuire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 20 feet in lieu of the required 25 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Beverly Y. McGuire, property owner, Thomas Phelps, Registered Property Line Surveyor who prepared the site plan for the property, and Jack Seisman, Builder. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject property contains 16,100 sq.ft. in area, zoned D.R. 5.5 and is presently unimproved. The property is rectangular in shape, approximately 70 feet wide and 230 feet deep. The Petitioner has owned the property for the past 16 years and now wishes to develop the site with a two-story single family dwelling in accordance with Petitioner's Exhibit 1. The proposed dwelling is a

ORDER RECEIVED FOR FILING

Date

By

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modular home, approximately 40 feet wide by 27 feet deep, which will be consistent in both size and style with other homes in the area.

As shown on the site plan, the property is a corner lot which fronts on Maple Avenue and abuts North Road on the northwest side. North Road is shown on the site plan as an existing roadway, however, it is, in fact, a paper street. Photographs of the property were submitted which show that the area of the right-of-way for North Road is unimproved and contains a number of mature trees. Both Mr. Phelps and Ms. McGuire indicated that they believe the road will never be constructed, notwithstanding its existence as a paper street.

Although North Road does not yet exist, a 25-foot setback from the right-of-way for this street must be maintained. Due to the narrowness of the lot, the requested variance is necessary in order to develop the property with a house that will be consistent with other homes in the community. Actually, in the field, a significantly larger setback will be maintained to the nearest house on the northwest side, owing to the unimproved area of the North Road right-of-way.

Based upon the undisputed testimony and evidence presented, I am persuaded to grant the variance. The uniqueness of the property is found in its location as a corner lot and its configuration. Moreover, denial of the variance would result in a practical difficulty upon the Petitioner. Lastly, denying the variance would be detrimental to the surrounding community in that a house of similar size and character would not be allowed. Clearly, the proposed construction is consistent with the neighborhood.

No Zoning Plans Advisory Committee comments were received in this case. Thus, the relief granted herein shall not be conditioned or further restricted. Mr. Phelps testified that the property is not located within

ORDER RECEIVED FOR FILING  
Date 10/31/96  
By [Signature]

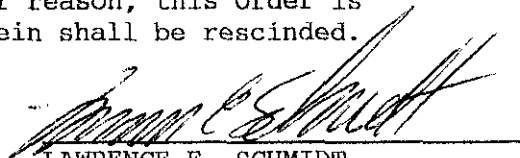
MICROFILMED

the Chesapeake Bay Critical Areas, and that the site is served by public water and sewer. Thus, it appears that no further conditions are warranted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31<sup>st</sup> day of October, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 20 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 11/3/96  
By [Signature]

RECORDED



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 31, 1996

Ms. Beverly Y. McGuire  
103 Chapel Town Circle  
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE  
N/S Maple Avenue, 15' E of the c/l of North Road  
(1319 Maple Avenue)  
15th Election District - 5th Councilmanic District  
Beverly Y. McGuire - Petitioner  
Case No. 97-138-A

Dear Ms. McGuire:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Thomas Phelps  
945 Barron Avenue, Baltimore, Md. 21221

People's Counsel

File

MICROFILMED

#138



# Petition for Variance

97-138-A

## to the Zoning Commissioner of Baltimore County

for the property located at 1319 MAPLE AVE  
97-138-A which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BOB3C1 To PERMIT A SIDE STREET SETBACK OF 20' IN LIEU OF 25'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) TO CHANGE THE SETBACK ON NORTH ROAD, A PAPER 30 FOOT RIGHT OF WAY FROM 15 FEET TO 20 FEET

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee.

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

BEVERLY Y McGUIRE  
(Type or Print Name)

City State Zipcode

Beverly Y. McGuire  
Signature

Attorney for Petitioner:

(Type or Print Name)

103 CHAPEL TOWN CIR  
Address Phone No

Signature

BALT MD 21236  
City State Zipcode

Address Phone No.

TERESA PHILLIPS  
Name

City State Zipcode

245 BARBON AVE (410) 574-6744  
Address BALT MD 21221 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: MEH DATE 9/25/96

ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]

Printed with Soybean Ink  
on Recycled Paper

MICROFILMED



THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue  
Baltimore, Maryland 21221-5202  
(301) 574-6744

LAND SURVEYING

LAND PLANNING

97-138-A

ZONING DESCRIPTION FOR 1319 MAPLE AVE  
(address)  
Election District 15 Councilmanic District 5

Beginning at a point on the NORTH side of MAPLE  
(north, south, east or west)

AVE which is 40  
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 15 FEET of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street NORTH ROAD  
(name of street)

which is 30 wide. \*Being Lot # 50.  
(number of feet of right-of-way width)

Block —, Section # — in the subdivision of  
Greenwood Farms as recorded in Baltimore County Plat  
(name of subdivision)

Book # 9, Folio # 46, containing  
16,100  
(square feet and acres)

MICROFILMED

# 138 -

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/10, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/10, 1996.

THE JEFFERSONIAN,  
*A. H. Enickson*  
 LEGAL AD. - TOWSON

MICROFILMED

**NOTICE OF HEARING**  
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chase Avenue, Towson, Maryland 21204 at 9:00 a.m. on 10/10, 1996.  
 The subject matter is: Rezoning of 1.24 acres of land, located at 1319 Maple Avenue, 15' E. of North Road, 15th Election District, St. Catherine Legal Owner(s): Beverly Y. McGuire  
 Variance: to permit a side street setback of 20 feet in lieu of 25 feet.  
 Hearing: Wednesday, October 31, 1996 at 9:00 a.m. in Room 106, County Office Building.  
 LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County.  
 NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 867-3353.  
 (2) For information concerning the file and/or Hearing, Please Call 867-3391.  
 10/15/96 Oct. 10 C89948



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

~~PAYMENT WILL BE MADE AS FOLLOWS:~~

- ~~1) Posting fees will be assessed and paid to this office at the time of filing.~~
- ~~2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.~~

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 138 Petitioner: THOMAS PHELPS

Location: 1319 MAPLE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BEVERLY Y McGUIRE

ADDRESS: 103 CHAPEL TOWN CIRCLE

BALTIMORE, MD. 21236

PHONE NUMBER: (410) 574-6744





BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 024885

DATE 9/25/96 ACCOUNT 61-615

Item: 138  
By: MT

AMOUNT \$ 50.00

RECEIVED FROM: McLure - 1319 Maple Ave

FOR: 310- Res Vol - \$50.00

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03A91#0015NICHRC  
2A 201014AAMT0-25-96  
450.00  
VALIDATION OR SIGNATURE OF CASHIER  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

# CERTIFICATE OF POSTING

RE: Case No.: 97-138-A

Petitioner/Developer: BEVERLY McGUIRE, ET AL.

Date of Hearing/Closing: OCT. 30, 1996

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1319 MAPLE AVENUE

The sign(s) were posted on OCTOBER 14, 1996  
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

666-5366

(Telephone Number)

MICROFILMED

# ZONING NOTICE

Case # 197138 A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSION  
ON TUESDAY, MAY 10, 1971

AT THE TOWN OF TOWNSHIRE, NEW HAMPSHIRE  
AT THE TOWN OFFICE, 100 MAIN STREET, TOWNSHIRE, NH

VARIANCE TO REPAIR THE  
SHEATH OF DO NOT IN USE OF  
TO BE REQUIRED IN FOR

TO: PUTUXENT PUBLISHING COMPANY  
October 3, 1996 Issue - Jeffersonian

Please forward billing to:

Beverly Y. McGuire  
103 Chjapel Town Circle  
Blatimore, MD 21236  
574-6744

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-138-A (Item 138)  
1319 Maple Avenue  
N/S Maple Avenue, 15' E of c/l North Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Beverly Y. McGuire

Variance to permit a side street setback of 20 feet in lieu of 25 feet.

HEARING: WEDNESDAY, OCTOBER 30, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 3, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-138-A (Item 138)  
1319 Maple Avenue  
N/S Maple Avenue, 15' E of c/l North Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Beverly Y. McGuire

Variance to permit a side street setback of 20 feet in lieu of 25 feet.

HEARING: WEDNESDAY, OCTOBER 30, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Beverly Y. McGuire  
Thomas Phelps

- NOTES: (1) THE ZONING NOTICE SIGN MUST BE POSTED ON THE PROPERTY BY OCTOBER 15, 1996.  
(2) HEARINGS ARE HANDICAPPED-ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 30, 1996

Ms. Beverly Y. McGuire  
103 Chapel Town Circle  
Baltimore, MD 21236

RE: Item No.: 138  
Case No.: 97-138-A  
Petitioner: Beverly Y. McGuire

Dear Ms. McGuire:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 25, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)





B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
            Department of Permits & Development  
            Management

Date:   October 17, 1996

FROM: *Sub* Robert W. Bowling, Chief  
            Development Plans Review Division

SUBJECT:   Zoning Advisory Committee Meeting  
            for October 15, 1996  
            Revised Item #84 (on 9/25/96)  
            and  
            Item Nos. 131, 132, 133, 135, 136,  
            137, 138, 140, 142, 144, 146,  
            & 147

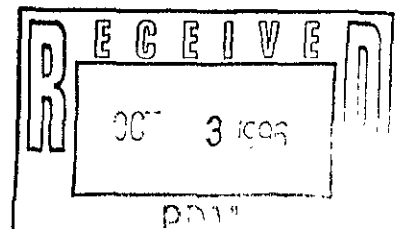
The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc:   File

ZONE31

MICROFILMED





Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 10/07/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136,  
137, 138, 139, 140, 141, 142, 146 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** October 4, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Dary L. Kerns*

PK/JL

10/11/96



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

10/7/96

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 138 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**MICROFILMED**

**#137 --- JCM**

## **PETITION PROBLEMS**

1. No telephone number for legal owner.

**#138 --- MJK**

1. No telephone number for legal owner.

**#140 --- JRA**

1. Petition says zoning is R.C.-2; folder says D.R.-1.

**#141 --- JRA**

1. No telephone number for legal owner.

**#145 --- JLL/JCM**

1. No attorney signature on the variance form.

**#146 --- CAM**

1. No signature for either legal owner on form.
2. No telephone number for legal owner.
3. No description for property on folder.

**#147 --- JCM**

1. No item number on petition forms.
2. No review information on petition forms.

**MICROFILMED**

10/1/96

RE: PETITION FOR VARIANCE  
1319 Maple Avenue, N/S Maple Avenue,  
15' E of c/l North Road  
15th Election District, 5th Councilmanic

Beverly Y. McGuire  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 97-138-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

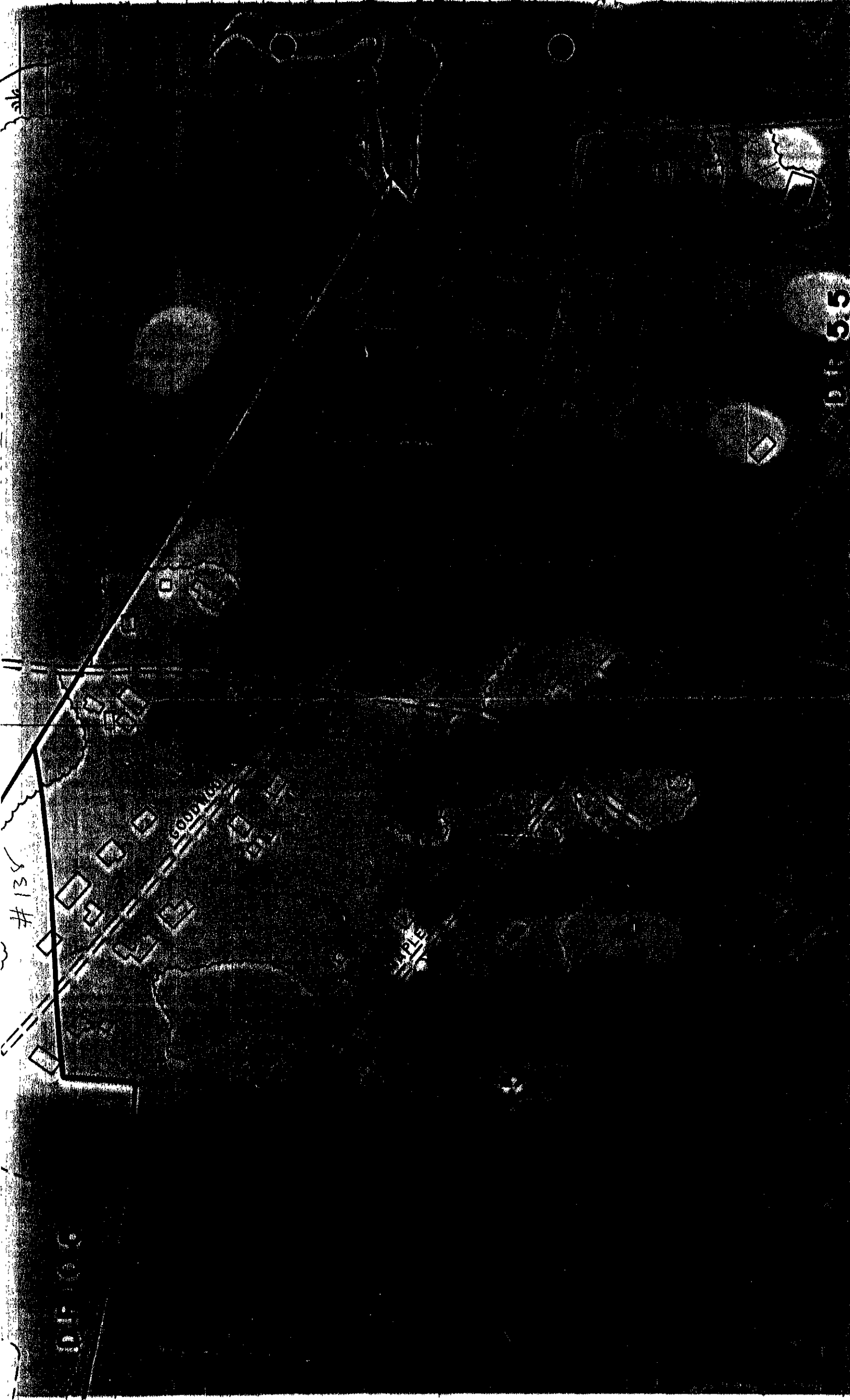
Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Thomas Phelps, 945 Barron Avenue, Baltimore, MD 21221, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED



#31#

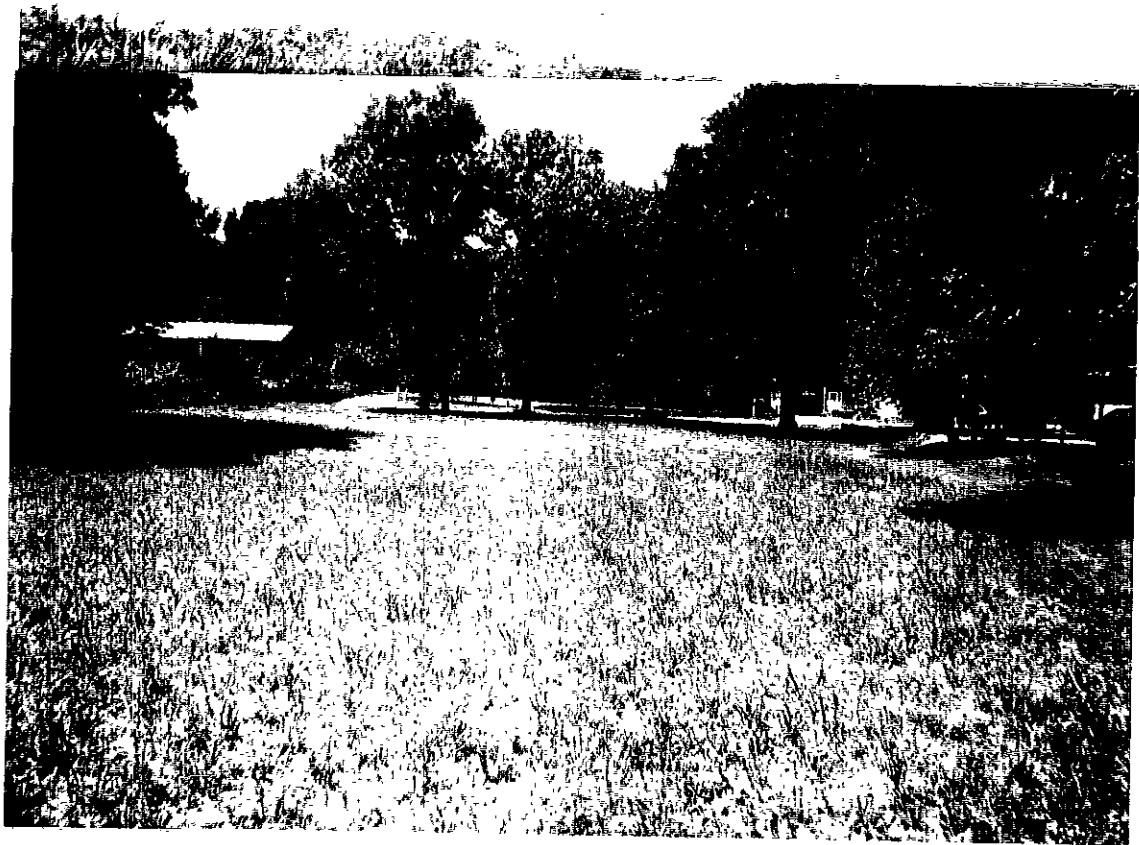
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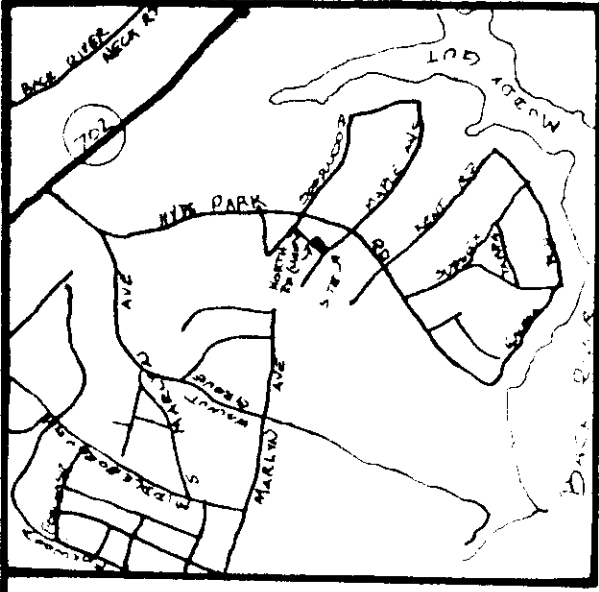
photographs  
97-138-A

**MICROFILMED**









VICINITY MAP  
1" = 2000'

NOTES

1. ZONED - DR 5.5
2. LOT AREA = 16,100
3. IMP SURFACE = 1080 OR 6.71 %
4. TAX @ 15 32.55
5. PUBLIC WATER & SEWER
6. PROPERTY NOT IN CBCHA
7. ELEC OUT 15 CONCUL DIRT 5

97-138-A

MICROFILMED

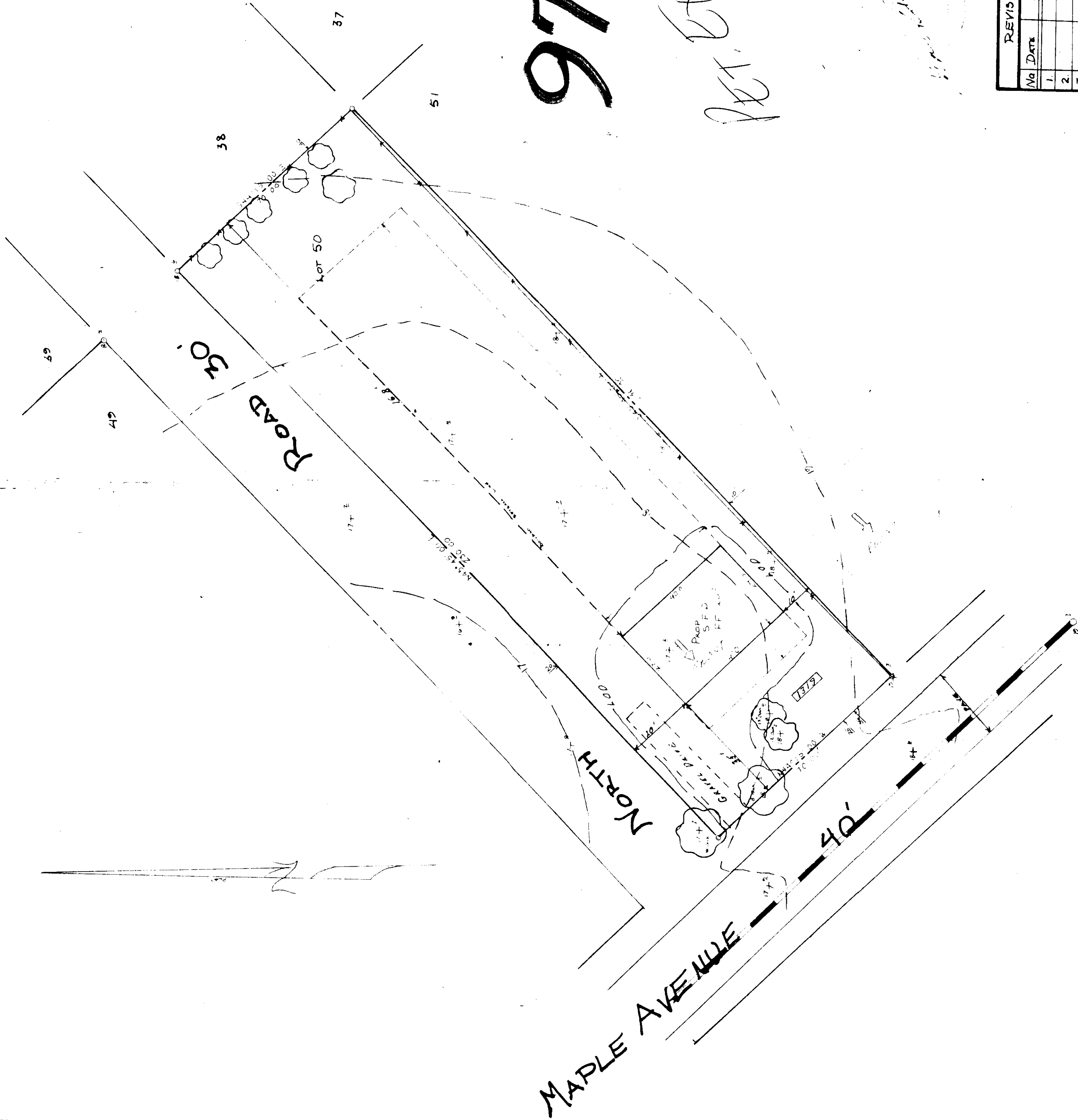
# 138

THOMAS E. PHELPS & ASSO., INC.  
9415 BARON AVENUE  
BALTIMORE, MARYLAND 21221  
PHONE (410) 574-6749

GRADING PLAN  
Mc GUIRE PROPERTY  
LOT 50 GOODWOOD FARMS 9/46  
BALTIMORE CO., MARYLAND

DRAWN BY TJW SCALE 1" = 20'  
CHECKED BY DATE 8-8-96

REVISION	
No.	DATE
1	
2	
3	
4	
5	





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N/S Maple Avenue, 15' E of the  
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#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Testimony and evidence offered revealed that the subject property contains 16,100 sq.ft. in area, zoned D.R. 5.5 and is presently unimproved. The property is rectangular in shape, approximately 70 feet wide and 230 feet deep. The Petitioner has owned the property for the past 16 years and now wishes to develop the site with a two-story single family dwelling in accordance with Petitioner's Exhibit 1. The proposed dwelling is a

modular home, approximately 40 feet wide by 27 feet deep, which will be consistent in both size and style with other homes in the area.

As shown on the site plan, the property is a corner lot which fronts on Maple Avenue and abuts North Road on the northwest side. North Road is shown on the site plan as an existing roadway, however, it is, in fact, a paper street. Photographs of the property were submitted which show that the area of the right-of-way for North Road is unimproved and contains a number of mature trees. Both Mr. Phelps and Ms. McGuire indicated that they believe the road will never be constructed, notwithstanding its existence as a paper street.

Although North Road does not yet exist, a 25-foot setback from the right-of-way for this street must be maintained. Due to the narrowness of the lot, the requested variance is necessary in order to develop the property with a house that will be consistent with other homes in the community. Actually, in the field, a significantly larger setback will be maintained to the nearest house on the northwest side, owing to the unimproved area of the North Road right-of-way.

Based upon the undisputed testimony and evidence presented, I am persuaded to grant the variance. The uniqueness of the property is found in its location as a corner lot and its configuration. Moreover, denial of the variance would result in a practical difficulty upon the Petitioner. Lastly, denying the variance would be detrimental to the surrounding community in that a house of similar size and character would not be allowed. Clearly, the proposed construction is consistent with the neighborhood.

No Zoning Plans Advisory Committee comments were received in this case. Thus, the relief granted herein shall not be conditioned or further restricted. Mr. Phelps testified that the property is not located within

the Chesapeake Bay Critical Areas, and that the site is served by public water and sewer. Thus, it appears that no further conditions are warranted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31<sup>st</sup> day of October, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 20 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 10/31/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/31/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/31/96  
By [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 31, 1996

Ms. Beverly Y. McGuire  
103 Chapel Town Circle  
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE  
N/S Maple Avenue, 15' E of the C/L of North Road  
(1319 Maple Avenue)  
15th Election District - 5th Councilmanic District  
Beverly Y. McGuire - Petitioner  
Case No. 97-138-A

Dear Ms. McGuire:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Thomas Phelps  
945 Barron Avenue, Baltimore, Md. 21221

People's Counsel

File

## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1319 MAPLE AVE  
97-138-A which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 to permit a side street setback of 20' in lieu of 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) TO CHANGE THE SETBACK ON NORTH ROAD, A PAPER TO ROAD RIGHT-OF-WAY FROM 25 FEET TO 20 FEET

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Phone No.  
Name, Address and phone number of representative to be contacted

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Phone No.  
Name, Address and phone number of representative to be contacted

ESTIMATED LENGTH OF HEARING (minutes for hearing)  
1 hr  
The following date: 11/1/96 Next Two Months  
ALL OTHER  
REVIEWED BY: [Signature] DATE: 9/12/96

THOMAS E. PHELPS & ASSOCIATES, INC.  
945 Barron Avenue  
Baltimore, Maryland 21221-5202  
(301) 574-6744

LAND SURVEYING

LAND PLANNING

ZONING DESCRIPTION FOR 1319 MAPLE AVE (address)  
Election District 15 Councilmanic District 5

Beginning at a point on the "B"TH side of MAPLE (north, south, east or west)  
AVE which is 40 (number of feet of right-of-way width)  
(street on which property fronts)  
wide at a distance of 15 FEET of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street NORTH ROAD (name of street)  
which is 60 wide. \*Being Lot # 50.  
(number of feet of right-of-way width)

Block ---, Section # --- in the subdivision of  
RODNEY FARMS as recorded in Baltimore County Plat  
(name of subdivision)

Book # 9, Folio # 46, containing  
16,100 (square feet and acres)

REGISTERED PROPERTY LINE SURVEYOR MD #314

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/10, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/10, 1996.

THE JEFFERSONIAN,  
*A. H. HENRIKSEN*  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County by authority of the Zoning and Regulations of Baltimore County will hold a public hearing on the property described herein at the following time and place: 11:00 a.m. on Wednesday, October 31, 1996 at 11:00 a.m. in the 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211st, 212nd, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 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# CERTIFICATE OF POSTING

RE: Case No.: 97-138-A  
 Petitioner/Developer: BEVERLY MCGUIRE, ETAL  
 Date of Hearing/Closing: OCT. 30, 1996

Baltimore County Department of  
 Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1319 MAPLE AVENUE

The sign(s) were posted on OCTOBER 14, 1996  
 (Month, Day, Year)

Sincerely,

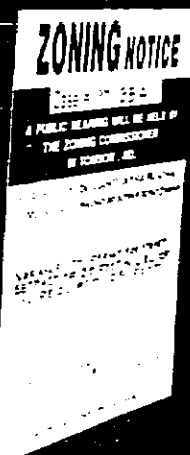
Patrick M. O'Keefe  
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
 (Printed Name)

523 PENNY LAKE  
 (Address)

HUNT VALLEY, MD. 21030  
 (City, State, Zip Code)

666-5366  
 (Telephone Number)



TO: POTOMAC PUBLISHING COMPANY  
 October 3, 1996 Issue - Jeffersonian  
 Please forward billing to:  
 Beverly Y. McGuire  
 103 Chapel Town Circle  
 Baltimore, MD 21236  
 574-6744

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-138-A (Item 138)  
 1319 Maple Avenue  
 W/S Maple Avenue, 15' E of c/l North Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Beverly Y. McGuire

Variance to permit a side street setback of 20 feet in lieu of 25 feet.

HEARING: WEDNESDAY, OCTOBER 30, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

October 3, 1996

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-138-A (Item 138)  
 1319 Maple Avenue  
 W/S Maple Avenue, 15' E of c/l North Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Beverly Y. McGuire

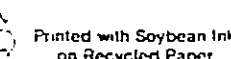
Variance to permit a side street setback of 20 feet in lieu of 25 feet.

HEARING: WEDNESDAY, OCTOBER 30, 1996 at 9:00 a.m. in Room 106, County Office Building.

Call jam  
 Arnold Jablon  
 Director

cc: Beverly Y. McGuire  
 Thomas Phelps

NOTES: (1) THE ZONING NOTICE SIGN MUST BE POSTED ON THE PROPERTY BY OCTOBER 15, 1996.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Printed with Soybean Ink  
 on Recycled Paper



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

October 30, 1996

Ms. Beverly Y. McGuire  
 103 Chapel Town Circle  
 Baltimore, MD 21236

RE: Item No.: 138  
 Case No.: 97-138-A  
 Petitioner: Beverly Y. McGuire

Dear Ms. McGuire:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 25, 1996.

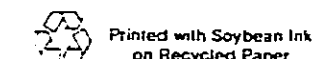
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
 W. Carl Richards, Jr.  
 Zoning Supervisor

WCB/re  
 Attachment(s)



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 on Recycled Paper

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
 Zoning Administration and  
 Development Management  
 DATE: October 15, 1996  
 FROM: R. Bruce Seeley RBS/jp  
 DEPRM  
 SUBJECT: Zoning Item #138 - McGuire Property  
 1319 Maple Avenue  
 Zoning Advisory Committee Meeting of October 7, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

### Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Approximately 50% of this site (adjacent to Maple Avenue) is located within the Chesapeake Bay Critical Area).

RBS:SA:sp

MCGUIRE/DEPRM/TXTSBP

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

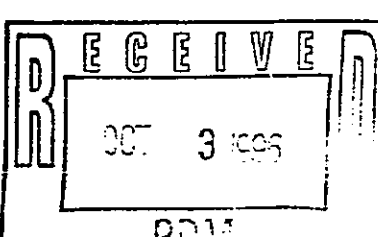
TO: Arnold Jablon, Director  
 Department of Permits & Development  
 Management  
 DATE: October 17, 1996  
 FROM: Robert W. Bowling, Chief  
 Development Plans Review Division  
 SUBJECT: Zoning Advisory Committee Meeting  
 for October 15, 1996  
 Revised Item #84 (on 9/25/96)  
 and  
 Item Nos. 131, 132, 133, 135, 136,  
 137, 138, 140, 142, 144, 146,  
 & 147

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jcb

cc: File

ZONE31



## Baltimore County Government Fire Department



700 East Joppa Road  
 Towson, MD 21286-5500

Office of the Fire Marshal  
 (410) 887-4880

DATE: 10/07/96

Arnold Jablon  
 Director  
 Zoning Administration and  
 Development Management  
 Baltimore County Office Building  
 Towson, MD 21204  
 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW Zoning Agenda:

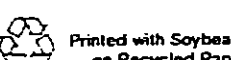
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
 IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD  
 Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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 on Recycled Paper

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
 Permits and Development  
 Management  
 DATE: October 4, 1996  
 FROM: Pat Keller, Director  
 Office of Planning  
 SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long  
 Division Chief: Cheryl L. Long

PK/JL

ITEM131/PZONE/ZAC1





David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 138 (MSK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Michael Smith  
Ronald Burns, Chief  
Engineering Access Permit  
Division

BS/es

117 • Baltimore, MD 21203-0717  
117 • Street • Baltimore, Maryland 21203

## PETITION PROBLEMS

#137 --- JCM

1. No telephone number for legal owner.

**#138 --- MJK**

1. No telephone number for legal owner.

#140 --- JRA

1. Petition says zoning is R.C.-2; folder says D.R.-1.

#141 --- JRA

1. No telephone number for legal owner.

#145 --- JLL/JCM

1. No attorney signature on the variance form.

#146 --- CAM

1. No signature for either legal owner on form.
2. No telephone number for legal owner.
3. No description for property on folder.

#147 --- JCM

10/1/96

1. PETITION FOR VARIANCE \* BEFORE THE  
 2. 1.14 Maple Avenue, N/S Maple Avenue, \*  
 3. 1.14 of 1.14 North Road \* ZONING COMMISSIONER  
 4. 1.14 Election District, 5th Councilmanic \*  
 5. \* OF BALTIMORE COUNTY  
 6. 1.14 Y. McGuire  
 7. 1.14 Positioners \*  
 8. \* CASE NO. 97-138-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

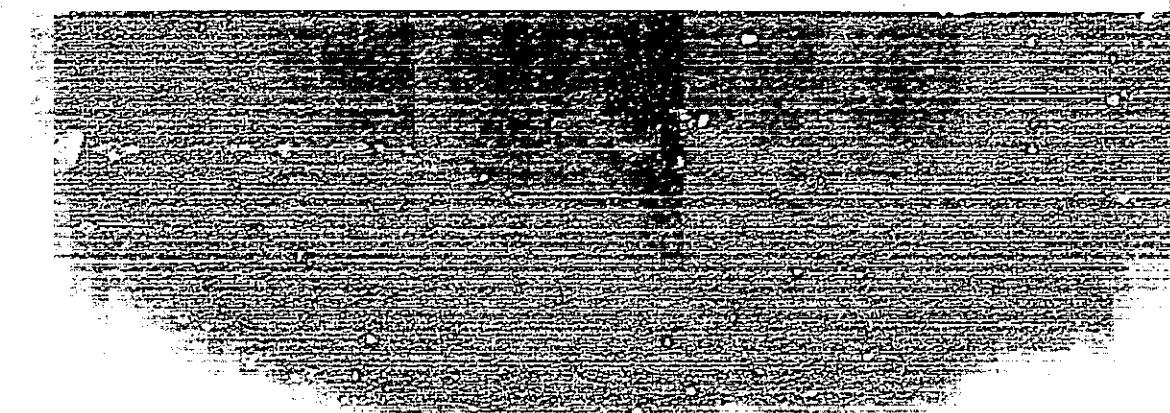
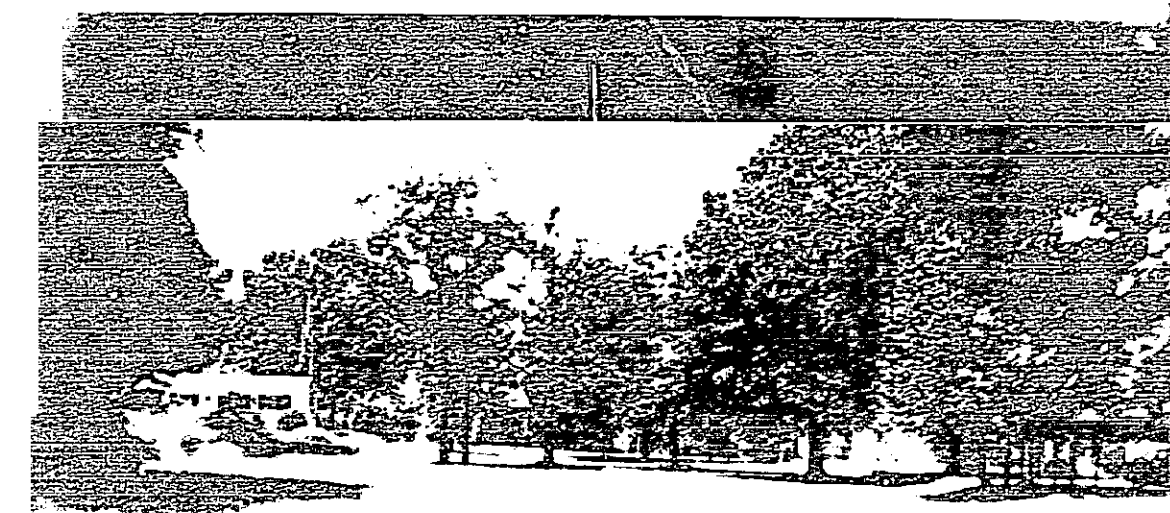
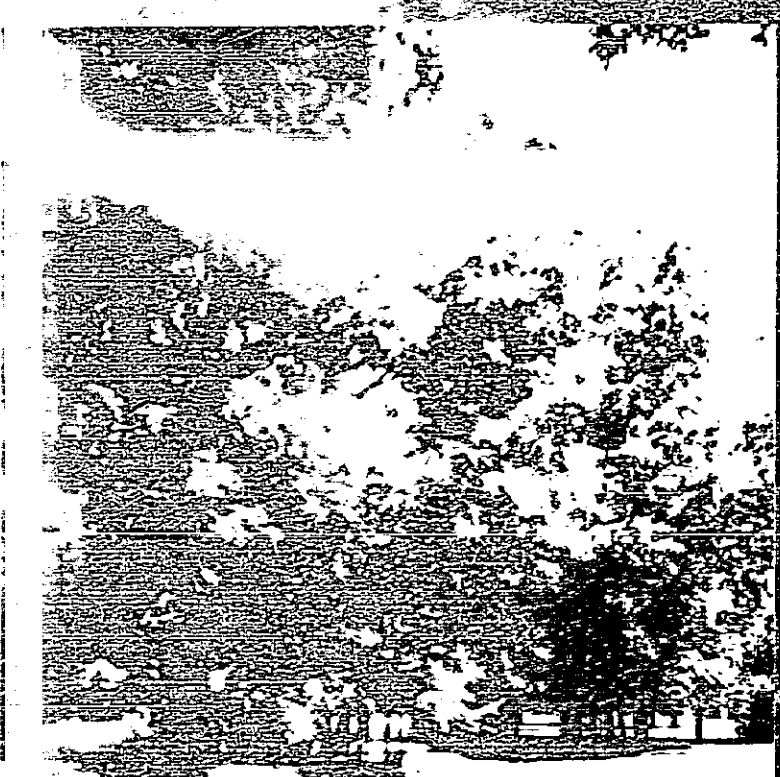
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 867-2188

CERTIFICATE OF SERVICE

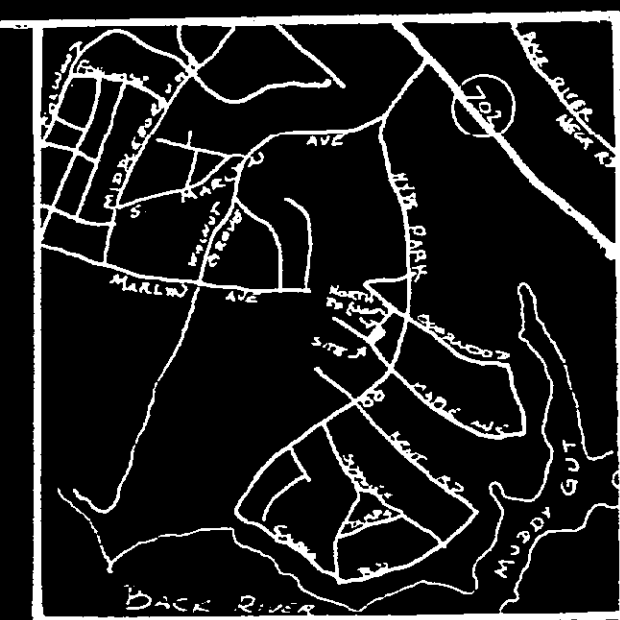
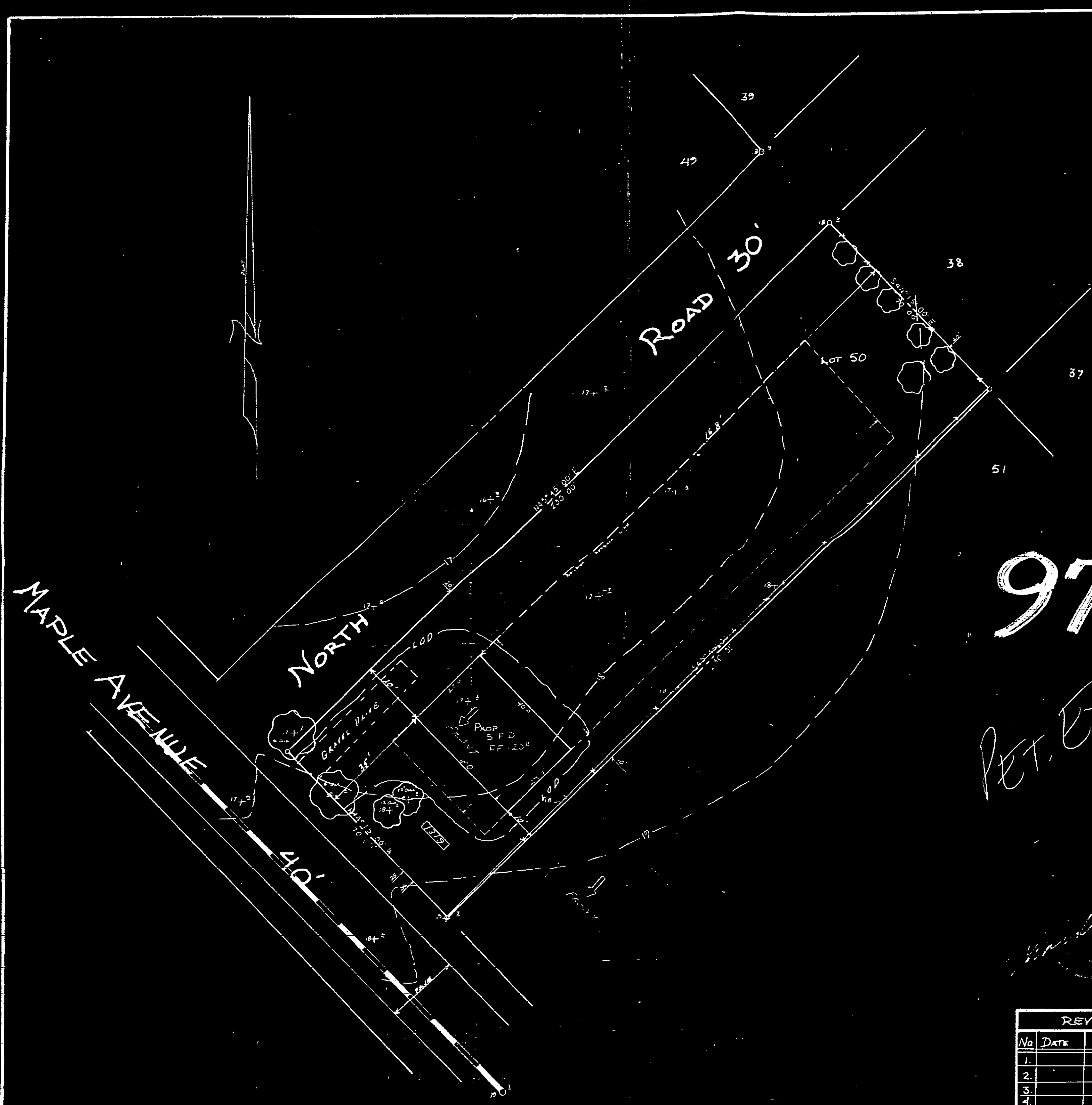
I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Thomas Phelps, 945 Barron Avenue, Baltimore, MD 21221, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

photograph:  
A7-138-A







VICINITY MAP  
1" = 2000'

NOTES

1. ZONED - PR 5.5
2. LOT AREA - 16,100
3. INT. SURFACE - 1080 OR 6.71%
4. TAX @ 15.02 = \$2,415.50
5. PUBLIC WATER & SEWER
6. PROPOSED NOT IN CBLA
7. ELG. OUT 15' COUNCIL DIST 15

97-138-A

PET. EX. 1

#138

THOMAS E. PHELPS & ASSOC., INC.  
245 BAYVIEW AVENUE  
BALTIMORE, MARYLAND 21221  
PHONE (410) 574-6744

REVISION		
No.	DATE	DESC.
1.		
2.		
3.		
4.		
5.		

GRADING PLAN	
Mc GUIRE PROPERTY	
LOT 50 GOODWOOD FARMS 9/46	
BALTIMORE CO., MARYLAND	
DRAWN BY: T.M.V.	SCALE 1" = 20'
CHECKED BY:	DATE 8-8-76